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187

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,138	04/23/2004	Achim Breuer	32368-202827 RK	7436
26694	7590	05/31/2005	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/830,138	BREUER ET AL.	
	Examiner	Art Unit	
	Gary L. Welch	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 15-25 is/are rejected.
- 7) ☒ Claim(s) 12 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04232004, 10082004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

Therefore, the height offset over the path of the revolving flat card flat assembly having "steps" that are "sharp-edged" in nature (claim 24) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Additionally, it appears that reference letter "D" in Figure 2 should be changed to --C--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3765

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: It appears that the following changes are required:

Page 12, line 26: Change "first" to --second--

Page 12, line 28: Change "second" to --first--

Page 13, line 19: Change "second" to --first--

Page 13, line 21: Change "first" to --second--

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 6 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 requires that the vertical distance between the sliding-contact surfaces of the slideways changes "non-uniformly". How and by what means does the vertical distance change "non-uniformly"?

Claim 6 requires that the height gradient between the two slideways have an "arbitrary contour". What is meant by an "arbitrary contour"?

Claim 24 recites the recitation ", for example, of a sharp-edge nature" in line 2.

The phrase "for example" renders the claim indefinite because the resulting claim does not clearly set forth the metes and bounds of the patent protection desired.

Ex Parte Hasche, 86 USPQ 481.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-11, 13 and 15-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Leder (U.S. 6,691,373).

Leder discloses a carding machine CM having a carding cylinder 4 and a revolving flat assembly 13 comprising flat bars 14. A lateral slideway assembly having a first curved slideway 20 and a second curved slideway 23 upon which ends of the card flat bars can slide with a part on the first slideway and a part on the second slideway is provided (Figure 3b). As illustrated in Figures 4a and 4b, a first portion of the slideway assembly increases in the vertical direction between the first and second slideway surfaces and a second portion which decreases in the vertical direction between the first and second slideway surfaces.

With regard to claim 2, the vertical distance between the sliding-contact surfaces of the slideways appear to change non-uniformly.

With regard to claim 3, the second slideway 23 is part of the lateral slideway assembly and is therefore integrated with the first slideway 20.

With regard to claim 4, the slideways are fabricated from a low-friction plastic (Col. 2, lines 66-67). It is well known that plastic is a flexible material.

With regard to claim 5, at least one slideway (20, 23) is constructed to be displaceable in the circumferential direction in relation to the cylinder 4.

With regard to claim 6, it appears that the height gradient between the two slideways (20, 23) has an arbitrary contour.

With regard to claim 7, at least one of the slideway (20, 23) can be replaced and exchanged for another slideway. There is no structure claimed that further limits the claim from which it depends.

With regard to claim 8, the two slideways (20, 23) are each separately displaceable relative to one another on one side of the cylinder 4.

With regard to claim 9, the displacement of the slideway is effected by displacement device 28.

With regard to claim 10, the displacement of the slideways can be effected during continuous operation.

With regard to claim 11, the slideway assembly (20, 23) is present on each side of the cylinder 4.

With regard to claim 13, each card flat bar end has two sliding surfaces (14b₁, 14b₂) that contact the sliding surfaces.

With regard to claim 15, the card flat bars are arranged to rotate about an axis of rotation that is parallel to the cylinder axis.

With regard to claim 16, the angle between the carding surface at least one card flat bar and a respective tangent to the clothing of the cylinder is adjustable.

With regard to claim 17, at the fiber inlet region of the revolving flat card assembly, at least one carding nip between a card flat bar and cylinder closes (i.e., changes between Figures 3b and 3a).

With regard to claim 18, at the fiber outlet region, at least one carding nip between a card flat bar and cylinder opens.

With regard to claim 19, the fiber inlet region and the fiber outlet region has at least one card flat bar at an angle of zero degrees relative to the cylinder (Figure 3a).

With regard to claim 20, the card flat bar can automatically assume different offset angle positions as it traverses the working region from the card flat inlet to the card flat exit based upon the differing heights between the sliding surfaces.

With regard to claim 21, different offset angles are set independently of location.

With regard to claim 22, the change in the offset angle is caused by height offset of the slide tracks relative to one another via inputting device 34.

With regard to claim 23, the height offset over the path of the revolving card-flat assembly is freely selectable.

With regard to claim 24, the height offset has steps in continuity.

Art Unit: 3765

With regard to claim 25, the invention is disclosed in one or more of the above rejected claims.

Allowable Subject Matter

7. Claims 12 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

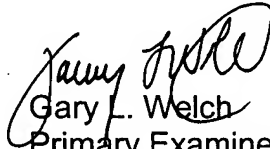
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leifield et al. '349 and Leder et al. '446 and '488 disclose a carding machine having a device for changing the distance between flat bars and a carding cylinder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw